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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,153	03/16/2001	Christian Marzolin	200741US6PCT	7028

22850 7590 10/06/2004

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EXAMINER

BOYD, JENNIFER A

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental
Advisory Action

Application No.

09/719,153

Applicant(s)

MARZOLIN ET AL.

Examiner

Jennifer A Boyd

Art Unit

1771

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-11,13-18,20 and 21.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: See Continuation Sheet

Continuation of 5. does NOT place the application in condition for allowance because: it does not overcome the previously set forth rejections. If the proposed amendment were entered, the Examiner would withdraw the 35 USC 112 rejection because the Applicant has properly amended the claims to have support in the Specification. In response to Applicant's argument that Philippe does not teach coating fibers, the Examiner respectfully submits that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The Examiner has relied on the Philippe reference for suggesting a certain thickness of coating. The Examiner acknowledges that Philippe does not teach a fibrous substrate, therefore, the Examiner has used Tamio which teaches a fibrous substrate as the main reference. It is the position of the Examiner that at least a portion of the fibers would be coated when a continuous coating over the layer is applied. If the Applicant requires that the entire surface area of each individual fiber is coated, the Applicant should amend the claims to reflect that aspect of the invention. It should be noted that Philippe teaches a coating of Applicant's desired thickness. The rejection of claims 1 and 10 over Arakawa in view of Philippe is maintained. Likewise, the Examiner maintains the rejection of claims 1 - 9, 11 - 19 and 21 over Murasawa in view of Philippe and the rejection of claim 20 as being unpatentable over Murasawa in view of Philippe and further in view of Oosawa.

Continuation of 10. Other: The Applicant called on September 30, 2004 to request that box 7 is checked and that the proposed amendment would be entered ONLY FOR PURPOSES OF APPEAL. The Examiner has agreed to the request and has provided this advisory action as a supplemental advisory action.

Jeffrey Bond
September 30, 2004

Ula C. Ruddock
Ula C. Ruddock
Primary Examiner
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